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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,715	09/07/2000	Tomoaki Hokao	Q60731	1378

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EXAMINER

FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/656,715

Applicant(s)

HOKAO, TOMOAKI

Examiner

Derrick W. Ferris

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/07/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. **Claims 11-13** are objected to because of the following informalities: please recite all elements/limitations for linking claim 11 (i.e., copy all elements for claims 1 and 2). Appropriate correction is required. Claims 12-13 are objected to for depending on objected claim 11.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 4, 6, 13, 14, 17 and 19** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. **Claim 4** recites a “reception circuit” (i.e., see line 1) which depends on claim 1 which recites a “transmission circuit”. **Claim 6** is similar to claim 4. Please change claims 4 and 6 to recite a “transmission circuit”. **Claim 13** is rejected as lacking antecedent basis for “said codes” at line 13 (emphasis plural). Applicant claims a code generation means that generates a multi-bit code necessary for transmission or reception (and not multi-bit codes). Please change or provide explanation. **Claim 14** lacks antecedent basis for “said transmission circuit and reception circuit” (see lines 8-9 and 12-13). Also Claim 14 is rejected as lacking antecedent basis for “said codes” at line 16 (emphasis plural). **Claim 17** lacks antecedent basis for “said transmission control step”. Examiner notes a method is recited hence the limitation should probably be changed to “said transmission control method”

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(see similar claim 18 with respect to “said reception control method”). **Claim 19** is rejected for depending on rejected base claim 17.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-12 and 15-26** are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0744840 A2 to *Sony Corporation* (“*Sony*”) (cited in prior IDS as JP H8-321804).

As to **claim 1**, see figure 5 with respect to a PN code generator 62 and register(s). Although *Sony* teaches generating a long PN code, the technique taught is still the same for the claim recitation. For example, with respect to a storing means, code generation means, and control means see e.g., column 9, lines 23-44. Specifically, examiner notes a reasonable but broad interpretation of “arbitrary timing”.

As to **claim 2**, see similar rejection for claim 1.

As to **claims 3-12**, see Section (3) Structure of Timing Controller and specifically column 9 in reference to figures 5, 7, and 8.

As to **claims 15-16**, see similar rejection for claim 1.

As to **claims 17-20**, see Section (3) Structure of Timing Controller and specifically column 9 in reference to figures 5, 7, and 8.

As to **claims 21-22**, see similar rejection for claim 1.

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As to **claims 23-26**, see Section (3) Structure of Timing Controller and specifically column 9 in reference to figures 5, 7, and 8.

Allowable Subject Matter

6. **Claim 13** would be allowable if applicant overcomes the claim objection and 112-second paragraph rejection, set forth in this Office action.

7. **Claim 14** would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US005235615A discloses the prior art as shown in figure 3.
- US006266364B1 shows code generator along with shift register and counter, see e.g., figure 2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (703) 305-4225. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

Derrick W. Ferris
Examiner

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DWF


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 1/9/04